



8-21-3 61

AUG 16 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eugene S. Pearlman

SERIAL NO.: 09/303,315

GroupArtUnit:1631

FILED: April 30, 1999

Ex: Lori A. Clow

FOR: ALGORITHMIC TESTING IN LABORATORY MEDICINE

RECEIVED

RESPONSE AFTER FINAL UNDER 37 CFR 1.116

AUG 25 2003

Commissioner for Patents
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Sir:

*OK to enter
LAC
09/09/03*

In response to the outstanding final action dated July 16, 2003, February 5, 2003, applicant files the following remarks. Before doing so, applicant has instructed his attorney to file a grievance against the Examiner, Dr. Lori L. Clow, for having failed to follow reasonable examination procedures in this application. MPEP 2164.04 spells out the principles of compact prosecution and applicant believes that the Examiner has not met her burden for reasons outlined below.

As background, on May 5, 2003, applicant filed a Request for Continued Examination, with an Amendment Under 116. These papers were filed after applicant's attorney held a telephone interview with both Examiner Lori Clow and Dr. Michael Woodward, on April 25, 2003. At the end of this interview, Applicant's attorney requested a follow-up interview with both Examiners, to